

## **REMARKS**

Applicants have carefully reviewed and considered the current Office Action and the reference(s) cited therein. Claims 1, 12, 14, 26, 27, and 28 are herein amended; Claim 17 is herein canceled; and no claims are herein added. As a result, Claims 1-16 and 18-28 are now pending in this application.

Applicants have amended the specification to correct two different typographical errors. First, numerous paragraphs have been amended to correct references to 192 that should have been references to 194. The specification and drawings make it clear that the correct reference should have been 194. Second, in one paragraph (i.e., starting at page 28, line 14 and ending at page 28, line 26) a reference to step 412, at line 17, has been amended to refer to step 506. The specification and drawings also make it clear that this reference should have been to step 506.

Applicants thank the Examiner for the telephone interview on June 18, 2007. Prior to the interview, Applicants provided proposed amendments, which herein have been adopted for the most part. The interview included a discussion of the difference of applying enforcement mechanisms to an “originator identity” versus applying enforcement mechanisms to an “originator address.”

### **Rejection of Claims 1-28 under 35 U.S.C. §103**

The Examiner has rejected Claims 1-28 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Publication No. 2003/0233420 issued to Stark et al. (“Stark”) in view of U.S. Patent Publication No. 6,507,866 issued to Barchi (“Barchi”). Applicants assert that the present invention as herein claimed in Claims 1-16 and 18-28 is patentable over Stark and Barchi, taken individually or in combination.

Claims 1, 12, 14, 26, 27, and 28 are herein amended to require enforcement mechanisms of the present invention to be applied to originator identities, not originator addresses or fields in a message header (as is done in Barchi). The originator identity, as explained in the specification, identifies the sender of messages from information obtained when the sender opens a connection from an originator computer system. The originator identity may be an account name, for example. The originator identity is

not the same as the originator address because a new IP address may be assigned to the originator computer system each time the originator identity opens a connection. Additionally, the originator identity is not necessarily found in a field in a message header. In fact, the present invention addresses the situation when a field (e.g., the FROM field of a message header) is changed by a sender after a connection is opened. Accordingly, the present invention can apply the same message count and message limit when applying the enforcement mechanism against messages having different addresses (i.e., because the messages came through two different connections by the same originator identity) or against messages having different information in the FROM fields of the messages (i.e., because the originator identity changed the information in the FROM field of one or more messages).

Stark does not address the problem of spamming at all. If anything, Stark teaches away from the present invention because Stark provides a sender of a message to have more control over how the message is processed. See, for example, Paragraph 14. The text cited by the Examiner (i.e., Paragraph 48) indicates that an address may be authenticated with an SMTP email account, for example. However, Stark does not teach or suggest an enforcement mechanism for spamming because Stark does not teach or suggest the spamming problem at all. The present invention, on the other hand, uses an enforcement mechanism involving message counts and message limits to restrict senders so as to reduce the amount of spam that can be sent from a sender's originator identity.

Barchi teaches an enforcement mechanism, but Barchi does not teach or suggest a mechanism for applying the enforcement mechanism to the originator identity. That is, Barchi does not address the problem of spoofing at all and does not teach or suggest that any solution to spoofing is needed. Instead, Barchi teaches away by teaching the reader to do exactly what should not be done to avoid spoofing. That is, Barchi, in the text cited by the Examiner (i.e., Column 8, lines 1-8), teaches that a message header field contains information identifying the originator of a received email. Thus, Barchi teaches a reliance on field information that the originator may have intentionally falsified.

Stark and Barchi are not properly combinable. Stark does not address spamming at all and makes no suggestion that a solution to spamming is even needed let alone offer a suggestion of a solution. One of ordinary skill in the art at the time of the invention, attempting to find a solution to spamming, would have no motivation to even read Stark. Accordingly, Stark is not properly combinable with Barchi or any other reference. Applicants respectfully request that this rejection be withdrawn.

### **CONCLUSION**

Applicants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. If the Examiner believes that a telephone conversation with the Applicants' representative would facilitate prosecution of this application in any way, the Examiner is cordially invited to telephone the undersigned at (508) 616-9660. If necessary, please apply any additional fees, or credit overpayments, to Deposit Account 50-3735.

Respectfully submitted,

Date: June 19, 2007

/Stanley Hill/

Stanley K. Hill  
Attorney for Applicant(s)  
Registration No.: 37,548  
Chapin Intellectual Property Law, LLC  
Westborough Office Park  
1700 West Park Drive  
Westborough, Massachusetts 01581  
Telephone: (508) 616-9660  
Facsimile: (508) 616-9661